

Message Text

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ORIGIN EB-07

INFO OCT-01 EUR-12 ISO-00 L-03 JUSE-00 AID-05 CEA-01

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DRAFTED BY EB/IFD/BP:TASCHLENKER:BT

APPROVED BY EB/IFD/BP:HJWINTER

L/EB:SBENSON

EB/IFD/BP:WBLOCKWOOD

EUR/NE:KSHIRLEY

EB/ISM:AKOBLER

JUSTICE:DROSENTHAL

----- 084461

P R 172018Z SEP 76

FM SECSTATE WASHDC

TO AMEMBASSY BONN PRIORITY

AMEMBASSY BERN PRIORITY

AMEMBASSY BRUSSELS PRIORITY

AMEMBASSY THE HAGUE PRIORITY

AMEMBASSY LONDON PRIORITY

AMEMBASSY OSLO PRIORITY

AMEMBASSY PARIS PRIORITY

AMEMBASSY ROME PRIORITY

AMEMBASSY STOCKHOLM PRIORITY

AMEMBASSY VIENNA PRIORITY

USMISSION OECD PARIS

USMISSION USBERLIN

INFO AMEMBASSY OTTAWA

UNCLAS STATE 230922

E.O. 11652: N/A

TAGS: ETRD, OECD, GW, SZ, BE, NL, UK, NO, IT, SW, AU, US

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SUBJECT: ANTITRUST: EMPANELLING OF GRAND JURY TO INVESTI-

GATE INTERNATIONAL NITROGEN INDUSTRY

REFS: A) STATE 141740 (NOTAL); B) STATE 163112 (NOTAL),
C) STATE 201668 (NOTAL)

1. THE DEPARTMENT OF JUSTICE (DOJ) NOTIFIED THE DEPARTMEN
SEPTEMBER 17 THAT A GRAND JURY HAS BEEN EMPANELLED IN THE
SOUTHERN DISTRICT OF NEW YORK TO CONTINUE INVESTIGATION OF
THE INTERNATIONAL FERTILIZER INDUSTRY, SPECIFICALLY NITRO-
GEN FERTILIZER. THIS INVESTIGATION HAS BEEN SEVERED FROM
THE ONE BEGUN IN JANUARY 1975 IN THE NORTHERN DISTRICT OF
ILLINOIS.

2. THE DOJ LETTER STATES IN PART:"THE NEW YORK GRAND JUR
WILL FOCUS ON POSSIBLE VIOLATIONS OF SECTION 1 OF THE SHER
MAN ANTITRUST ACT, THE FORMATION AND IMPLEMENTATION OF
AGREEMENTS AND CONSPIRACIES IN ILLEGAL RESTRAINT OF UNITED
STATES TRADE, IN THE PRODUCTION AND DISTRIBUTION OF NITRO-
GEN FERTILIZERS. THIS INVESTIGATION IS IN A VERY PRELIMI-
NARY STAGE. WHILE CONDUCT BY UNITED STATES ENTITIES WITHI
U.S. MARKETS IS LIKELY TO BE A CENTRAL FOCUS, IT MAY
DEVELOP THAT FIRMS OR INDIVIDUALS IN OTHER NITROGEN-

PRODUCING AND DISTRIBUTING NATIONS MAY BECOME INVOLVED.
DOJ BELIEVES THAT THE FOLLOWING OECD MEMBER STATES HAVE
SUCH OPERATIONS: FRANCE, BELGIUM, THE NETHERLANDS, THE
UNITED KINGDOM, ITALY, AUSTRIA, THE FEDERAL REPUBLIC OF
GERMANY, SWEDEN AND NORWAY. ADDITIONALLY, A EUROPEAN
NITROGEN TRADE ASSOCIATION, NITREX, A.G., IN WHICH
NATIONALS OF THE ABOVE-LISTED STATES MAY PARTICIPATE, IS
THOUGHT TO BE REGISTERED AND IN OPERATION IN SWITZERLAND.

3. PURSUANT TO THE 1967 OECD RECOMMENDATION ON NOTIFICA-
TION OF ANTITRUST ACTIONS, ADDRESSEE POSTS ARE REQUESTED
TO NOTIFY IMMEDIATELY THE PERTINENT AGENCIES OF THEIR HOS
GOVERNMENTS OF THE ABOVE MENTIONED SITUATION. DOJ HAS
SPECIFICALLY REQUESTED THAT THE NOTIFICATION TO EACH
GOVERNMENT INCLUDE THE NAMES OF ALL OTHER OECD MEMBER
STATES BEING NOTIFIED.

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4. FYI. THE GRAND JURY THAT SAT FROM JANUARY 1975 TO
JUNE 1976 IN THE NORTHERN DISTRICT OF ILLINOIS INVESTIGAT
ED THE INTERNATIONAL FERTILIZER INDUSTRY IN GENERAL. ITS
WORK RESULTED IN AN INDICTMENT AGAINST EIGHT MAJOR U.S.
PRODUCERS OF POTASH (REFTEL B). ANOTHER GRAND JURY WAS
EMPANELLED IN THE NORTHERN DISTRICT OF ILLINOIS IN MAY TO
INVESTIGATE THE INTERNATIONAL PHOSPHATE INDUSTRY AND IS
STILL SITTING. (REFTELS A AND C). ROBINSON

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TAGS: ETRD, GE, SZ, BE, NL, UK, NO, IT, SW, AU, US, OECD
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